

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MONIQUE PONCHO-ALDERETE,

Plaintiff,

v.

1:22-cv-00153-KK-JHR

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant.

**ORDER DENYING PLAINTIFF'S UNTITLED MOTION TO JOIN PARTIES
WITHOUT PREJUDICE**

Before the Court is Plaintiff Monique Poncho-Alderete's untitled Motion requesting that the Court join additional plaintiffs to this case. [Doc. 36]. Defendant Commissioner Kilolo Kijakazi has not filed a response. For the reasons stated below, the Court DENIES Poncho-Aldrete's motion WITHOUT PREJUDICE. Poncho-Aldrete may refile her motion before the October 21, 2022 filing deadline in accordance with the rules discussed below.

I. PARTIES MUST FOLLOW LOCAL RULES OF MOTION PRACTICE

All parties before the Court in the District of New Mexico must follow the District's Local Rules of Civil Procedure.¹ These rules include requirements for motions filed with the Court. Rules 7.1, stating the District's writing requirements for motions, and 7.3, stating requirements for the form of motions, are relevant to Poncho-Alderete's Motion.

Rule 7.1(a) requires motions to be written with particularity and that the filing party determine whether the motion is opposed by other parties. Specifically, the Rule states:

A motion must be in writing and state with particularity the grounds and relief sought. A party may adopt by reference another party's

¹ An up-to-date PDF copy of the Local Rules are available at <https://www.nmd.uscourts.gov/court-info/local-rules-and-orders/local-rules>.

motion or other paper by making specific reference to the filing date and the docket number of such motion or other paper. Movant must determine whether a motion is opposed, and **a motion that omits recitation of a good-faith request for concurrence may be summarily denied.**

D.N.M.LR-Civ. 7.1(a) (emphasis added).

Poncho-Alderete's Motion does not follow these requirements. The Motion asks the Court to add parties but does not tell the Court why it should do so. [See Doc. 36]. The Motion also does not tell the Court whether Poncho-Alderete has requested Defendant Commissioner's concurrence on the motion to determine whether it is opposed. [See Doc. 36]. For those reasons, the Court summarily denies the Motion.

Rule 7.3(a) is also relevant. The Rule requires motions to cite legal authority for their positions. Specifically, the Rule states:

A motion, response or reply must cite authority in support of the legal positions advanced. Movant's authority may be submitted in a separate brief filed and served contemporaneously with the motion.

D.N.M.LR-Civ. 7.3(a).

Poncho-Alderete's motion does not follow these requirements either. No legal authority is referred to or cited to give a legal justification for Poncho-Alderete's request. [See Doc. 36]. Without legal authority, the Court does not know whether adding the parties requested by Poncho-Alderete would follow the law.

Because Poncho-Alderete's Motion does not follow the District of New Mexico's Local Rules of Civil Procedure, the Court denies the Motion.

II. THE DENIAL IS WITHOUT PREJUDICE

The Court finds that Poncho-Alderete's Motion should be denied without prejudice because the errors in her Motion are merely errors of form and procedure. This means Poncho-

Alderete may file a new motion to join the parties listed in Doc. 36, but the motion must follow the District's Local Rules.

Any further motions to amend the pleadings or to add additional parties must be filed within the deadlines set in the Order Setting Case Management Deadlines and Discovery Parameters. [See Doc. 34]. That scheduling order states that the deadline for such motions is **Friday, October 21, 2022.**

III. CONCLUSION AND ORDER

Wherefore, **IT IS THEREFORE ORDERED** that Plaintiff Monique Poncho-Alderete's untitled Motion [Doc. 36], is **DENIED WITHOUT PREJUDICE.**



Jerry H. Ritter
U.S. Magistrate Judge